

# HOUSE BILL 1562

K4, P5

CONSTITUTIONAL AMENDMENT

0lr3614

---

By: **Delegate Serafini**

Rules suspended

Introduced and read first time: March 20, 2010

Assigned to: Rules and Executive Nominations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly Compensation Commission – Legislative Pension Plan**

3 FOR the purpose of requiring the General Assembly Compensation Commission to  
4 establish a Legislative Pension Plan for members of the General Assembly that  
5 provides certain benefits that are equal to certain benefits received by certain  
6 State employees; and submitting this amendment to the qualified voters of the  
7 State of Maryland for their adoption or rejection.

8 BY proposing an amendment to the Maryland Constitution  
9 Article III – Legislative Department  
10 Section 15

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, (Three-fifths of all the members elected to each of the two Houses  
13 concurring), That it be proposed that the Maryland Constitution read as follows:

14 **Article III – Legislative Department**

15 15.

16 (1) The General Assembly may continue its session so long as in its judgment  
17 the public interest may require, for a period not longer than ninety days in each year.  
18 The ninety days shall be consecutive unless otherwise provided by law. The General  
19 Assembly may extend its session beyond ninety days, but not exceeding an additional  
20 thirty days, by resolution concurred in by a three-fifths vote of the membership in  
21 each House. When the General Assembly is convened by Proclamation of the  
22 Governor, the session shall not continue longer than thirty days, but no additional  
23 compensation other than mileage and other allowances provided by law shall be paid  
24 members of the General Assembly for special session.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2)    **(I)**    Any compensation and allowances paid to members of the General  
2 Assembly shall be as established by a commission known as the General Assembly  
3 Compensation Commission. The Commission shall consist of nine members, five of  
4 whom shall be appointed by the Governor, two of whom shall be appointed by the  
5 President of the Senate, and two of whom shall be appointed by the Speaker of the  
6 House of Delegates. Members of the General Assembly and officers and employees of  
7 the Government of the State of Maryland or of any county, city, or other governmental  
8 unit of the State shall not be eligible for appointment to the Commission. Members of  
9 the Commission shall be appointed for terms of four years commencing on June 1 of  
10 each gubernatorial election year. Members of the Commission are eligible for  
11 re-appointment. Any member of the Commission may be removed by the Governor  
12 prior to the expiration of his term for official misconduct, incompetence, or neglect of  
13 duty. The members shall serve without compensation but shall be reimbursed for  
14 expenses incurred in carrying out their responsibilities under this section. Decisions of  
15 the Commission must be concurred in by at least five members.

16                   **(II) THE COMMISSION SHALL ESTABLISH A LEGISLATIVE**  
17 **PENSION PLAN THAT PROVIDES RETIREMENT BENEFITS FOR MEMBERS OF THE**  
18 **GENERAL ASSEMBLY THAT ARE EQUAL TO THE RETIREMENT BENEFITS**  
19 **PROVIDED BY THE STATE OF MARYLAND FOR ANY STATE OF MARYLAND**  
20 **EMPLOYEE WHO IS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM UNDER**  
21 **TITLE 23 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

22           (3)    Within 15 days after the beginning of the regular session of the General  
23 Assembly in 1974 and within 15 days after the beginning of the regular session in each  
24 fourth year thereafter, the Commission by formal resolution shall submit its  
25 determinations for compensation and allowances to the General Assembly. The  
26 General Assembly may reduce or reject, but shall not increase any item in the  
27 resolution. The resolution, with any reductions that shall have been concurred in by  
28 joint resolution of the General Assembly, shall take effect and have the force of law as  
29 of the beginning of the term of office of the next General Assembly. Rates of  
30 compensation and pensions shall be uniform for all members of the General Assembly,  
31 except that the officers of the Senate and the House of Delegates may receive higher  
32 compensation as determined by the General Assembly Compensation Commission.  
33 The provisions of the Compensation Commission resolution shall continue in force  
34 until superseded by any succeeding resolution.

35           (4)    In no event shall the compensation and allowances be less than they were  
36 prior to the establishment of the Compensation Commission.

37           SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly  
38 determines that the amendment to the Maryland Constitution proposed by this Act  
39 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the  
40 Maryland Constitution concerning local approval of constitutional amendments do not  
41 apply.

1           SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
2 proposed as an amendment to the Maryland Constitution shall be submitted to the  
3 legal and qualified voters of this State at the next general election to be held in  
4 November, 2010 for their adoption or rejection pursuant to Article XIV of the  
5 Maryland Constitution. At that general election, the vote on this proposed amendment  
6 to the Constitution shall be by ballot, and upon each ballot there shall be printed the  
7 words "For the Constitutional Amendment" and "Against the Constitutional  
8 Amendment," as now provided by law. Immediately after the election, all returns shall  
9 be made to the Governor of the vote for and against the proposed amendment, as  
10 directed by Article XIV of the Maryland Constitution, and further proceedings had in  
11 accordance with Article XIV.